

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

UNITED STATES OF AMERICA,                          )  
    )  
    )  
Plaintiff,    )  
    )  
    )  
v.    )    Case No. 4:03-CR-00276-1-BCW  
    )  
    )  
JAMES E. WATERS,                                    )  
    )  
    )  
Defendant.    )

**ORDER**

Before the Court is Defendant's pro se motion requesting copies of certain documents related to the above-captioned matter. (Doc. #69). The Court, being duly advised of the premises, grants in part and denies in part said motion.

Defendant's letter to the Court requests "a completed copy of the Plea Agreement, the Sentencing Memorandum, Sentencing Hearing, and Docket Sheet that has a showing of all the District Court actions that took place in the above captioned case." (Doc. #69).

Though previously represented by appointed counsel, Defendant is now considered filing pro se. Thus, the Court liberally construes Defendant's letter as a motion to obtain records related to his underlying case. See Estelle v. Gamble, 429 U.S. 97, 106 (1976).

In United States v. Losong, the Court of Appeals for the Eighth Circuit stated that, pursuant to 28 U.S.C. § 753(f), "any request for a free transcript prior to the filing of a section 2255 complaint is premature." 601 F.2d 351, 352 (8th Cir. 1979) (finding that constitutional requirements are met by providing documents to assist in the preparation of a collateral attack only after the court has certified that the materials "are required to decide the issues presented by a non-frivolous pending case.")).

Defendant has not filed a motion under 28 U.S.C. § 2255 with respect to the most recent judgment for revocation of probation or supervised release. (Doc. #66). Thus, there is no pending motion for post-conviction relief. As a result, Defendant's request for transcripts is premature. Accordingly, it is hereby

ORDERED Defendant's motion for obtain documents is GRANTED IN PART and DENIED IN PART. Defendant's request for a copy of the docket sheet is granted; a copy was mailed to Defendant on March 18, 2014. Defendant's motion is otherwise denied.

IT IS SO ORDERED.

DATED: January 6, 2015

/s/ Brian C. Wimes  
JUDGE BRIAN C. WIMES  
UNITED STATES DISTRICT COURT